

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Darcy Montel Scott,

Petitioner,

Case Number: 24-11212
Hon. Nancy G. Edmunds

v.

Randee Rewerts et al.,

Respondent.

_____ /

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Darcy Montel Scott has filed a complaint under 42 U.S.C. § 1983. Scott, who is proceeding pro se, is currently confined by the Michigan Department of Corrections (MDOC) at the St. Louis Correctional Facility. Having reviewed the complaint, the Court concludes that venue is not proper in this district and transfers the case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1406(a).

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. *See* 28 U.S.C. § 1391(b). Public officials “reside” in the county where they serve. *See O’Neill*

v. Battisti, 472 F.2d 789, 791 (6th Cir. 1972). If venue is improper in the district where a case is filed, but would be proper in another district, “a district court has the power to *sua sponte* transfer [the] case” under section 1406(a). *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App’x 468, 472 (6th Cir. 2012).

The defendants in this case are employed by the Michigan Department of Corrections at the Carson City Correctional Facility in Montcalm County, Michigan, and the events giving rise to Scott’s claims occurred there. Montcalm County is located within the geographical borders for the United States District Court for the Western District of Michigan. *See* 28 U.S.C. § 102(b)(1). Because the defendants are located in the Western District and the complaint concerns events arising there as well, venue is not proper in this district. The case will be transferred to the Western District of Michigan.

The Clerk of Court is ordered to transfer this case to the United States District Court for the Western District of Michigan.

SO ORDERED.

/s/Nancy G. Edmunds
NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

Dated: May 10, 2024